

JAN 19 2007

Appl. No. 10/811,042
Amtd. dated January 19, 2007
Reply to Office Action of October 19, 2006
Attorney Docket 17540

REMARKS/ARGUMENTS

Claims 1-4, 6, 8-12, 15-16 and 18-20 are currently pending for examination. Claim 7 has been cancelled as of this amendment. Claims 1, 8, and 9 are presently amended. Claims 18-20 have been added, the basis for which can be found in the specification and claims as originally submitted. No new matter has been added.

Rejection of Claims 7 and 8 under 35 U.S.C. 112

Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 has been cancelled and Claim 8 has been amended to remove the repetitious claim limitation. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 1-4, 6-12, 15 and 16 under 35 U.S.C. 103

Claims 1-4, 6, 7, 9-13, 15, and 16 are rejected under 35 U.S.C. 103 as being unpatentable over Lech (5,471,908) in view of Lech et al (5,413,452) and Johnston.

It is respectfully submitted that the Office Action does not meet the criteria for establishing a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations (See MPEP §2143).

Applicant respectfully submits that the cited references fail to teach or suggest:

“a second hydraulic pump configured to generate a second flow of hydraulic fluid; and

a reloader valve in fluid communication with the secondary pump, the reloader valve configured to distribute the second flow to the plurality of closed center valves, and further configured to prevent the secondary flow to the closed center valves when no demand signal is sensed.”

As is presently claimed in amended Claim 1. One of the primary benefits the present invention has over the prior art is that the design provides for reduced paths the hydraulic

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fluid must path through before returning to reservoir tank, in some instances such as claimed in part in claim 1 allowing the fluid to return to a reservoir without ever having to pass through a system of valves. Such a system as presently described allows a hydraulic system to work utilizing a lower average working pressure which in-turn requires less engine power and less fuel usage. None of the patents cited describe such a system as presently described in Claim 1.

As such, Claim 1 should be allowed over the cited art. Claims 2-4, 6, 8 and 18-20 depend from Claim 1 and are believed to be allowable over the cited art for at least the same reason as Claim 1.

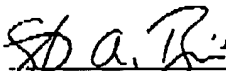
Claim 9, similar to Claim 1, claims in-part "at least one mode of operation in which the hydraulic fluid provided by the second hydraulic pump is returned to the hydraulic reservoir without passing through either of the plurality of open center valves or the plurality of closed center valves," which is not taught or suggested by the cited art. As such, Claim 9 should be allowed over the cited art. Claims 10-12 and 15-16 depend from Claim 9 and are believed to be allowable over the cited art for at least the same reasons as Claim 9.

Withdrawal of the rejection is respectfully requested.

Please find included with this transmission a Request for Continued Examination Transmittal. The fee for an RCE as required under 37 CFR 1.17(e) is believed due in connection with this Amendment. The Commissioner is hereby authorized to charge such fee, as well as any other fee determined to be due to Deposit Account No. 14-0780.

In view of the above remarks, it is believed that the application is in condition for allowance. Accordingly, an early Notice of Allowance is respectfully requested.

Respectfully submitted,



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